

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SHANTILE SMALL,

Plaintiff,

V.

PERDUE FARMS, INC.,

Defendant.

CIVIL ACTION FILE NO.

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, Shantile Small, by and through undersigned counsel, The Kirby G. Smith Law Firm, LLC, and hereby files this Complaint, stating as follows:

I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 over Count I of this Complaint, which arises out of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq. (“Title VII”).
2. This Court has personal jurisdiction over the parties because a substantial portion of the employment practices described herein were committed within Rockingham County, North Carolina.
3. Plaintiff exhausted all administrative remedies in this matter.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

II. PARTIES

5. Plaintiff is a citizen of the United States and a resident of Rockingham County, North Carolina.
6. Defendant is a corporation registered to conduct business in North Carolina.

7. Defendant may be served by delivering a copy of the Complaint and Summons to its registered agent, CT Corporation System, located at 160 Mine Lake Court, Ste 200, Raleigh, NC 27615.

8. Defendant employed fifteen (15) employees or more at all times relevant to this lawsuit.

9. Defendant is subject to the requirements of Title VII.

III. FACTUAL ALLEGATIONS

10. Plaintiff worked for Defendant as a Laborer.

11. Both Plaintiff and her boyfriend, Mr. Alfred Robinson, worked the night shift at Perdue's factory in Rockingham, NC.

12. Plaintiff and Mr. Robinson drove to work together, clocked-in at the same time, and left together.

13. Both Plaintiff and Mr. Robinson were supervised by Ms. Latavia Price.

14. On July 16, 2020, Ms. Price terminated Plaintiff for allegedly accumulating excess attendance "points."

15. Plaintiff was not aware that she was allegedly arriving to work late, and she was also not aware that her arrival time jeopardized her job.

16. When Plaintiff pointed out that she should have the same points as Mr. Robinson, who was not being terminated, Ms. Price said she knew but wanted to keep Mr. Robinson.

IV. CLAIMS FOR RELIEF

COUNT I: TITLE VII DISCRIMINATION (GENDER)

17. Plaintiff incorporates by reference paragraphs 1-16 of her Complaint as if fully set forth herein.

18. Plaintiff is a member of a protected class under Title VII due to her gender.

19. Plaintiff was subjected to the adverse action of termination.
20. The circumstances of Plaintiff's termination serve as evidence that the adverse action was discriminatory on the basis of Plaintiff's gender.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- a. Trial by jury;
- b. A finding that Defendant violated Plaintiff's rights as set forth herein;
- c. Full back pay plus interest, front pay, compensatory damages, punitive damages, reasonable attorney fees, and costs in accordance with Title VII; and
- d. Any other relief this Court deems proper and just.

Respectfully submitted this 27th day of September, 2021.

THE KIRBY G. SMITH LAW FIRM, LLC

/s/Alexander C. Kelly
Alexander C. Kelly
North Carolina Bar No. 49308
Attorney for Plaintiff

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JURY DEMAND

Plaintiff requests a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted this 27th day of September, 2021.

THE KIRBY G. SMITH LAW FIRM, LLC

/s/Alexander C. Kelly
Alexander C. Kelly
North Carolina Bar No. 49308
Attorney for Plaintiff

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